

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of

Distribution of the
2014-17 Satellite Funds

)
)
) Docket No. 16-CRB-0010-SD (2014-17)
)
)
)

**SUPPLEMENTAL MEMORANDUM REGARDING THE ALLOCATION PHASE
PARTIES' MOTION TO LIFT STAY**

In May, the undersigned Allocation Phase Parties filed a Joint Notice of Settlement and Motion to Lift Stay (“Motion”).¹ In the Motion, the Allocation Phase Parties notified the Judges that they had resolved all Allocation Phase disputes concerning the 2014-15 satellite royalty funds, and requested that the Judges (1) lift the stay of the above-captioned proceeding with respect to the 2014 and 2015 royalty years; and (2) affirm that the historical Allocation Phase category definitions apply to the 2014 and 2015 satellite royalty funds. The Motion contemplates that the Allocation Phase parties will move for final distributions of shares of the 2014-15 satellite royalties that are no longer in controversy once the Judges have lifted the stay and affirmed the Allocation Phase category definitions. The parties settled the allocation phase of 2014-15 and filed the Motion in May with the intent and expectation that the funds would be distributed in 2020. The Allocation Phase Parties submit this supplemental memorandum to report on the status of the litigation concerning the 2014-15 satellite royalties and to respectfully request that the Judges promptly grant their Motion.

¹ Docket No. 16-CRB-0010-CD (2014-17) (May 12, 2020).

The Motion is fully briefed. Only one party, Multigroup Claimants, objected.² As the Allocation Phase Parties explained in their reply brief, however, Multigroup Claimants does not even claim a share of the 2014 satellite royalties, and, with respect to the 2015 satellite royalties, failed to explain how its claim would be affected by the Judges' granting the Motion.³ To the extent that Multigroup Claimants purported to object on behalf of Major League Soccer, Global Music Rights and David Powell, no basis exists for it to do so. The Judges have dismissed David Powell from these proceedings.⁴ And neither Major League Soccer nor Global Music Rights have voiced an objection.

As the Allocation Phase parties noted in their Reply Brief, the Judges and the D.C. Circuit Court of Appeals have long recognized the importance of promptly distributing royalties that are no longer subject to controversy—even where, as here, one party has objected. Reply Brief at 2-3. Given the prevailing economic uncertainty caused by the COVID-19 pandemic, it is more important than ever to promptly distribute copyright royalties that are not subject to controversy. The Allocation Phase parties therefore respectfully request that the Judges promptly grant the Motion so that they may submit motions for distribution and a distribution may be made in 2020.

² Multigroup Claimants' Opposition to Motion to Lift Stay, Docket No. 16-CRB-0010 SD (2014-17) (May 26, 2020).

³ Joint Reply in Support of Motion to Lift Stay, Docket No. 16-CRB-0010 SD (2014-17) (June 2, 2020) ("Reply Brief").

⁴ Order Dismissing David Powell as a Participant, Docket No. 16-CRB-0010 SD (2014-17) (June 25, 2020).

Respectfully submitted,

PROGRAM SUPPLIERS

/s/ Lucy Homes Plovnick

Gregory O. Olaniran (DC Bar No. 455784)
Lucy Holmes Plovnick (DC Bar No. 488752)

MITCHELL SILBERBERG & KNUPP
LLP

1818 N Street NW, 7th Floor

Washington, DC 20036

Phone: (202) 355-7917

Fax: (202) 355-7887

goo@msk.com

lhp@msk.com

**COMMERCIAL TELEVISION
CLAIMANTS**

/s/ David Ervin

John I. Stewart, Jr. (DC Bar No. 913905)

David Ervin (DC Bar No. 445013)

CROWELL & MORING LLP

1001 Pennsylvania Ave., NW

Washington, DC 20004-2595

Phone: (202) 624-2685

Fax: (202) 628-5116

jstewart@crowell.com

dervin@crowell.com

JOINT SPORTS CLAIMANTS

/s/ Michael Kientzle

Daniel A. Cantor (DC Bar No. 457115)

Michael Kientzle (DC Bar No. 1008361)

Emily Reeder-Ricchetti (DC Bar No. 252710)

Ryan White (DC Bar No. 1655918)

ARNOLD & PORTER KAYE SCHOLER
LLP

601 Massachusetts Avenue, N.W.

Washington, DC 20001

Phone: (202) 942-5000

Fax: (202) 942-5999

Daniel.Cantor@arnoldporter.com

Michael.Kientzle@arnoldporter.com

SETTLING DEVOTIONAL CLAIMANTS

/s/ Arnold Lutzker

Arnold P. Lutzker (DC Bar No. 101816)

Benjamin Sternberg (DC Bar No. 1016576)

Jeannette M. Carmadella (DC Bar No. 500586)

LUTZKER & LUTZKER LLP

1233 20th Street, NW, Suite 703

Washington, DC 20036

Phone: (202) 408-7600

Fax: (202) 408-7677

arnie@lutzker.com

Matthew J. MacLean (DC Bar No. 479257)

Michael A. Warley (DC Bar No. 1028686)

Jessica T. Nyman (DC Bar No. 1030613)

PILLSBURY WINTHROP SHAW

PITTMAN LLP

1200 Seventeenth Street, NW

Washington, DC 20036

Phone: (202) 663-8000

Fax: (202) 663-8007

matthew.maclean@pillsburylaw.com

**AMERICAN SOCIETY OF
COMPOSERS, AUTHORS AND
PUBLISHERS**

/s/ Samuel Mosenkis
Samuel Mosenkis
NY Bar No. 2628915
ASCAP
250 West 57th Street
New York, NY 10107
Telephone: (212) 621-6450
Fax: (212) 787-1381
smosenkis@ascap.com

BROADCAST MUSIC, INC.

/s/ Hope Lloyd
Hope M. Lloyd
NY Bar No. 3903754
John T. Ellwood
NY Bar No. 5189022
BROADCAST MUSIC, INC.
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0030
Telephone: (212) 220-3148
Fax: (212) 220-4490
hlloyd@bmi.com
jellwood@bmi.com

Brian A. Coleman
DC Bar No. 429201
Jennifer T. Criss
DC Bar No. 981982
FAEGRE DRINKER BIDDLE & REATH
LLP
1500 K Street, NW, Suite 1100
Washington, DC 20005
Telephone: (202) 842-8800
Fax: (202) 842-8465
brian.coleman@faegredrinker.com
jennifer.criss@faegredrinker.com

SESAC PERFORMING RIGHTS, LLC

/s/ John Beiter
John C. Beiter
TN Bar No. 12564
BEITER LAW FIRM, PLLC
P.O. Box 120433
Nashville, TN 37212
Telephone: (615) 488-0088
john@beiterlaw.com

Christos P. Badavas
NY Bar No. 2673838
SESAC PERFORMING RIGHTS, LLC
152 West 57th Street, 57th Floor
New York, NY 10019
Telephone: (212) 586-3450
cbadavas@sesac.com

Dated: October 5, 2020

Proof of Delivery

I hereby certify that on Monday, October 05, 2020, I provided a true and correct copy of the Supplemental Memorandum Regarding the Allocation Phase Parties' Motion to Lift Stay to the following:

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at scott@oandzlaw.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via ESERVICE at ted@copyrightroyalties.com

Multigroup Claimants, represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

Signed: /s/ Michael E Kientzle